

Court of Appeals of Indiana



2007 Annual Report

Court of Appeals of Indiana



2007 Annual Report

First District

John G. Baker, Chief Judge
Edward W. Najam Jr., Judge
L. Mark Bailey, Judge

Second District

Ezra H. Friedlander, Presiding Judge
James S. Kirsch, Chief Judge
Cale J. Bradford, Judge

Third District

Terry A. Crone, Presiding Judge
Paul D. Mathias, Judge
Michael P. Barnes, Judge

Fourth District

Patricia A. Riley, Presiding Judge
Carr L. Darden, Judge
Melissa S. May, Judge

Fifth District

John T. Sharpnack, Presiding Judge
Margret G. Robb, Judge
Nancy H. Vaidik, Judge

The Mission of the Court of Appeals of Indiana

TO SERVE ALL PEOPLE BY PROVIDING EQUAL JUSTICE UNDER LAW

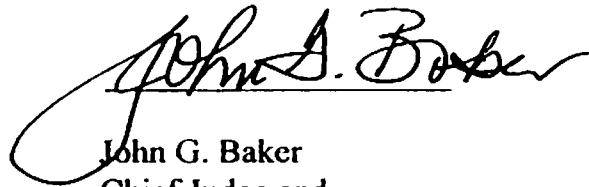
Room 433, 200 West Washington Street, Indianapolis, Indiana 46204 (317) 232-6893

<http://www.in.gov/judiciary/appeals>

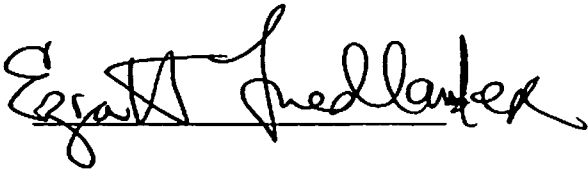
Court of Appeals of Indiana

2007 Annual Report

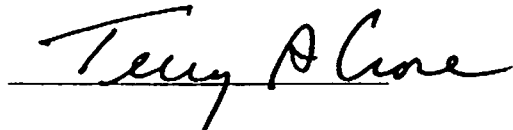
This report pertaining to the progress of the work of the Court of Appeals of Indiana for the period from January 1, 2007, through December 31, 2007, is being submitted pursuant to paragraph 6.35, Judge's Manual.



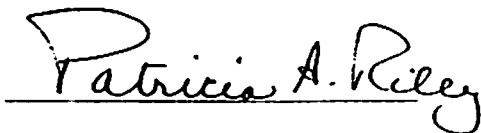
John G. Baker
Chief Judge and
Presiding Judge
First District



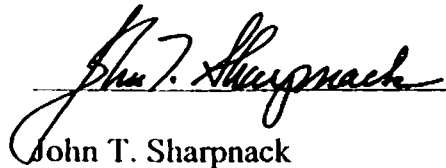
Ezra H. Friedlander
Presiding Judge
Second District



Terry A. Crone
Presiding Judge
Third District



Patricia A. Riley
Presiding Judge
Fourth District



John T. Sharpnack
Presiding Judge
Fifth District

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2007 - December 31, 2007

Court Summary

	Criminal	Post-Conviction	Civil	Expedite	Other	TOTAL
Cases Pending 12-31-06	248	31	180*	8	45	512*
Cases Fully-Briefed Received	1492	177	734	40	305	2748
Geographic District One	313	45	234	0	78	670
Geographic District Two	808	78	277	40	153	1356
Geographic District Three	371	54	223	0	74	722
Cases Disposed	1583	182	762	42	318	2887
By Majority Opinion	1578	181	750	42	317	2868
By Order	5	1	12	0	1	19
Net Increase/Decrease	-87	-6	-33	-1	-12	-139
Cases Pending 12-31-07	161	25	147	7	33	373
Cases Affirmed	1374	161	492	34	260	2321
Cases Affirmed Percent	87.0%	88.9%	65.6%	80.9%	82.0%	80.9%
Cases Reversed	189	19	244	7	51	510
Cases Reversed Percent	12.0%	10.5%	32.5%	16.7%	16.1%	17.8%
Cases Remanded	15	1	14	1	6	37
Cases Remanded Percent	1.0%	0.6%	1.9%	2.4%	1.9%	1.3%
Oral Arguments Heard	21	0	42	4	6	73

Oral Arguments Heard includes: 3 Stay Hearings

Average Age of Cases Pending

12-31-06	1.9	Months
12-31-07	1.6	Months

Motions, Petitions for Time, Misc. Orders Handed Down..... 7679

*Total is one more than total on 2006 Annual Report because a case handed down on 11/6/2006 was then vacated on 3/29/2007.

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2007 - December 31, 2007

Summary by Judge

	Majority Opinions Issued	All Opinions Issued	Orders Issued	Cases Voted On	Oral Arguments Heard	Cases Pending 12/31/2006	Cases Pending 12/31/2007
Judges (District)							
Bailey (1st)	186	193	0	593	15	16	14
Baker (1st)	313	330	3	695	29	32	15
Barnes (3rd)	200	214	0	599	12	28	18
Bradford (2nd)**	60	63	1	230	5	0	17
Crone (3rd)	173	183	1	560	12	23	26
Darden (4th)	153	157	1	534	16	40	23
Friedlander (2nd)	137	150	1	522	9	14	22
Kirsch (2nd)	170	190	0	564	17	30	32
Mathias (3rd)	194	197	1	574	12	53	34
May (4th)	178	185	1	530	13	51	39
Najam (1st)	178	183	3	581	12	13	14
Riley (4th)	183	189	2	546	13	24	20
Robb (5th)	188	205	2	551	27	41	30
Sharpnack (5th)	163	172	1	554	8	34	28
Sullivan (2nd)*	72	94	1	265	6	52	0
Vaidik (5th)	167	176	0	521	11	28	24
Senior Judges						32	17
Barteau	45	45	0	45	0	0	0
Garrard	15	15	0	15	0	0	0
Hoffman	42	43	1	42	1	0	0
Robertson	38	39	0	40	0	0	0
Sullivan	13	20	0	43	1	0	0
TOTAL	2868	3043	19	8604	219	511	373

*Judge Patrick D. Sullivan retired July 31, 2007

**Judge Cale J. Bradford sworn in August 1, 2007

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2007 - December 31, 2007

Caseload

	Cases Pending 1/1/2007	INTAKE				DISPOSITIONS			Cases Pending 12/31/2007
		Cases Assigned	Transfers In	Out	Total	Majority Opinions	Orders	Total	
Judges (District)									
Bailey (1st)	16	178	7	1	184	186	0	186	14
Baker (1st)	33*	178	122	2	298	313	3	316	15
Barnes (3rd)	28	180	17	7	190	200	0	200	18
Bradford (2nd)	0	70	8	0	78	60	1	61	17
Crone (3rd)	23	179	7	9	177	173	1	174	26
Darden (4th)	40	174	2	39	137	153	1	154	23
Friedlander (2nd)	14	180	1	35	146	137	1	138	22
Kirsch (2nd)	30	173	4	5	172	170	0	170	32
Mathias (3rd)	53	178	5	7	176	194	1	195	34
May (4th)	51	177	4	14	167	178	1	179	39
Najam (1st)	13	174	14	6	182	178	3	181	14
Riley (4th)	24	177	12	8	181	183	2	185	20
Robb (5th)	41	176	3	0	179	188	2	190	30
Sharpnack (5th)	34	173	5	20	158	163	1	164	28
Sullivan (2nd)	52	49	1	29	21	72	1	73	0
Vaidik (5th)	28	176	5	18	163	167	0	167	24
Senior Judges	32	156	5	22	139	(153)	(1)	(154)	17
Barteau	0	0	0	0	0	45	0	45	0
Garrard	0	0	0	0	0	15	0	15	0
Hoffman	0	0	0	0	0	42	1	43	0
Robertson	0	0	0	0	0	38	0	38	0
Sullivan	0	0	0	0	0	13	0	13	0
TOTAL	512	2748	222	222	2748	2868	19	2887	373

*Total is one more than total on 2006 Annual Report because a case handed down on 11/6/2006 was then vacated on 3/29/2007.

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2007 - December 31, 2007

Opinions Issued

	MAJORITY OPINIONS							TOTAL
	Issued	Published	Percent Published	Concurring Opinions	Dissenting Opinions	Rehearing Opinions	Other Opinions	
Judges (District)								
Bailey (1st)	186	27	14.5%	2	3	2	0	193
Baker (1st)	313	74	23.6%	2	8	7	0	330
Barnes (3rd)	200	47	23.5%	2	7	5	0	214
Bradford (2nd)	60	14	23.3%	0	3	0	0	63
Crone (3rd)	173	39	22.5%	2	7	1	0	183
Darden (4th)	153	32	20.9%	0	4	0	0	157
Friedlander (2nd)	137	19	13.9%	4	9	0	0	150
Kirsch (2nd)	170	29	17.1%	2	16	1	1	190
Mathias (3rd)	194	37	19.1%	1	2	0	0	197
May (4th)	178	48	27.0%	2	4	1	0	185
Najam (1st)	178	43	24.2%	1	2	2	0	183
Riley (4th)	183	44	24.0%	1	5	0	0	189
Robb (5th)	188	48	25.5%	5	4	7	1	205
Sharpnack (5th)	163	39	23.9%	0	8	1	0	172
Sullivan (2nd)	72	18	25.0%	10	12	0	0	94
Vaidik (5th)	167	40	24.0%	3	5	0	1	176
Senior Judges								
Barteau	45	5	11.1%	0	0	0	0	45
Garrard	15	3	20.0%	0	0	0	0	15
Hoffman	42	15	35.7%	0	0	1	0	43
Robertson	38	2	5.3%	0	1	0	0	39
Sullivan	13	3	23.1%	5	1	1	0	20
TOTAL	2868	626	21.8%	42	101	29	3	3043

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2007 - December 31, 2007

Cases Handed Down

	CRIMINAL		POST-CONVICTION		CIVIL		EXPEDITE		OTHER		TOTAL	
	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel
Judges (District)												
Bailey (1st)	101	212	10	33	52	106	2	7	21	49	186	407
Baker (1st)	151	205	25	27	83	106	6	5	48	39	313	382
Barnes (3rd)	105	218	18	28	52	104	2	6	23	43	200	399
Bradford (2nd)	32	97	5	10	14	46	1	2	8	15	60	170
Crone (3rd)	93	229	13	18	55	87	3	5	9	48	173	387
Darden (4th)	87	210	9	28	41	90	2	5	14	48	153	381
Friedlander (2nd)	85	200	7	23	27	108	2	5	16	49	137	385
Kirsch (2nd)	94	220	11	23	39	105	3	5	23	41	170	394
Mathias (3rd)	113	208	11	20	51	102	3	6	16	44	194	380
May (4th)	96	203	10	22	54	85	2	5	16	37	178	352
Najam (1st)	103	220	6	26	47	111	3	7	19	39	178	403
Riley (4th)	103	182	8	27	46	102	2	7	24	45	183	363
Robb (5th)	95	203	15	25	54	92	3	4	21	39	188	363
Sharpnack (5th)	84	228	11	21	45	98	3	5	20	39	163	391
Sullivan (2nd)	49	105	3	6	10	59	1	5	9	18	72	193
Vaidik (5th)	88	197	10	24	41	88	2	5	26	40	167	354
Senior Judges												
Barteau	26	0	2	0	15	0	1	0	1	0	45	0
Garrard	11	0	2	0	2	0	0	0	0	0	15	0
Hoffman	18	0	2	0	19	0	1	0	2	0	42	0
Robertson	36	2	2	0	0	0	0	0	0	0	38	2
Sullivan	8	17	1	1	3	11	0	0	1	1	13	30
TOTAL	1578	3156	181	362	750	1500	42	84	317	634	2868	5736

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2007 - December 31, 2007

Oral Arguments

	CRIMINAL		POST-CONVICTION		CIVIL		EXPEDITE		OTHER		TOTAL	
	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel
Judges (District)												
Bailey (1st)	4	2	0	0	1	5	0	1	0	2	5	10
Baker (1st)	4	6	0	0	7	8	0	1	0	3	11	18
Barnes (3rd)	1	4	0	0	1	4	0	2	0	0	2	10
Bradford (2nd)	1	1	0	0	0	2	0	0	1	0	2	3
Crone (3rd)	1	4	0	0	3	4	0	0	0	0	4	8
Darden (4th)	0	2	0	0	5	5	1	2	0	1	6	10
Friedlander (2nd)	1	0	0	0	1	7	0	0	0	0	2	7
Kirsch (2nd)	2	4	0	0	2	7	0	0	0	2	4	13
Mathias (3rd)	4	0	0	0	2	5	0	0	0	1	6	6
May (4th)	0	4	0	0	4	4	1	0	0	0	5	8
Najam (1st)	0	2	0	0	3	6	0	0	0	1	3	9
Riley (4th)	0	2	0	0	3	6	0	1	1	0	4	9
Robb (5th)	2	3	0	0	5	10	1	1	3	2	11	16
Sharpnack (5th)	0	1	0	0	2	5	0	0	0	0	2	6
Sullivan (2nd)	0	1	0	0	0	4	0	0	1	0	1	5
Vaidik (5th)	1	5	0	0	3	1	1	0	0	0	5	6
Senior Judges												
Barteau	0	0	0	0	0	0	0	0	0	0	0	0
Garrard	0	0	0	0	0	0	0	0	0	0	0	0
Hoffman	0	1	0	0	0	0	0	0	0	0	0	1
Robertson	0	0	0	0	0	0	0	0	0	0	0	0
Sullivan	0	0	0	0	0	1	0	0	0	0	0	1
TOTAL	21	42	0	0	42	84	4	8	6	12	73	146

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2007 - December 31, 2007

Cases Pending

	Criminal	Post-Conviction	Civil	Expedite	Other	Total
Judges (District)						
Bailey (1st)	6	0	5	1	2	14
Baker (1st)	6	0	7	1	1	15
Barnes (3rd)	8	0	8	0	2	18
Bradford (2nd)	8	2	6	0	1	17
Crone (3rd)	11	3	12	0	0	26
Darden (4th)	13	0	8	0	2	23
Friedlander (2nd)	13	1	3	0	5	22
Kirsch (2nd)	13	2	12	1	4	32
Mathias (3rd)	14	4	11	0	5	34
May (4th)	15	2	20	1	1	39
Najam (1st)	5	1	7	0	1	14
Riley (4th)	5	3	8	1	3	20
Robb (5th)	12	4	12	0	2	30
Sharpnack (5th)	15	2	10	1	0	28
Sullivan (2nd)	0	0	0	0	0	0
Vaidik (5th)	10	1	9	1	3	24
Senior Judges	7	0	9	0	1	17
TOTAL	161	25	147	7	33	373

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2007 - December 31, 2007

Successive Petitions for Post-Conviction Relief

Pending 12-31-06.....	30
Petitions Filed.....	<u>119</u>
TOTAL.....	149

Authorization

Petitions Authorized To Be Filed in Trial Court for Hearing.....	5
Petitions Not Authorized To Be Filed in Trial Court for Hearing ("No Merit").....	129
Petitions Pending.....	<u>15</u>
TOTAL.....	149

COURT OF APPEALS OF INDIANA
ANNUAL REPORT

January 1, 2007 - December 31, 2007

Motions to Dismiss

Pending Motions 12-31-06.....	14
Motions Filed.....	<u>177</u>
TOTAL.....	191

Dispositions:

Motion to Dismiss Sustained.....	105
Motion to Dismiss Overruled.....	67
Dismissed on Appellant's Motion.....	0
Miscellaneous.....	<u>0</u>
Subtotal.....	172
By Per Curiam Opinions.....	<u>0</u>
Total Dispositions.....	172
Pending Motions 12-31-07.....	19

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2007 - December 31, 2007

Statistics Regarding Disposition of Chief Judge Matters

January 1, 2007 - December 31, 2007

Orders Granting Petitions to File Belated Appeal.....	7
Orders Denying Petitions to File Belated Appeal.....	3
Orders Granting Pre-Appeal Conferences.....	0
Orders Denying Pre-Appeal Conferences.....	1
Orders with Instructions from Pre-Appeal Conference.....	0
Orders Granting Permissive Interlocutory Appeals.....	51
Orders Denying Permissive Interlocutory Appeals.....	211

Time Grants

Petitions for Time to File Record Granted.....	327
Petitions for Time to File Record Denied.....	20
Petitions for Time to File Appellant's Brief Granted.....	1412
Petitions for Time to File Appellant's Brief Denied.....	40
Petitions for Time to File Appellee's Brief Granted.....	686
Petitions for Time to File Appellee's Brief Denied.....	3
Petitions for Time to File Appellant's Reply Brief Granted.....	86
Petitions for Time to File Appellant's Reply Brief Denied.....	17

Oral Argument Action

Orders Setting Oral Arguments.....	80
Orders Denying Petitions for Oral Arguments.....	63

Others

Orders Granting Consolidations of Appeals.....	72
Orders Denying Consolidations of Appeals.....	15
Orders Granting Writs of Certiorari.....	0
Orders Denying Writs of Certiorari.....	0
Orders Granting Petitions to Amend Brief.....	0
Orders Denying Petitions to Amend Brief.....	0
Orders Granting Withdrawals of Record.....	290
Orders Denying Withdrawals of Record.....	27
Miscellaneous Orders.....	3272

Dismissals

Orders Granting Appellant's Motions to Dismiss.....	239
Orders Denying Appellant's Motions to Dismiss.....	24
Orders Granting Appellee's Motions to Dismiss.....	105
Orders Denying Appellee's Motions to Dismiss.....	67
Court-Directed Orders of Dismissal.....	252

Rehearings

Petitions for Rehearing Granted without Opinion.....	0
Petitions for Rehearing Denied without Opinion.....	282
Petitions for Rehearing Granted with Opinion.....	27
Petitions for Rehearing Denied with Opinion.....	0

TOTAL.....	7679
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